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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,555	11/09/2001	Fernando Ortega Rodriguez	Q66984	5908

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SUGHRUE MION, PLLC  
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WASHINGTON, DC 20037

EXAMINER
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SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/986,555	<b>Applicant(s)</b> ORTEGA RODRIGUEZ ET AL.	
	<b>Examiner</b> Justin E. Shepard	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 28 November 2006.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-14 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \*    c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments, see Amendment (pages 6-8), filed 11/28/06, with respect to claims 1-6 have been fully considered and are persuasive. The rejection of claims 1-6 has been withdrawn.

Pages 8-11:

The applicant argues that Schiff and Hreha could not be combined as they represent different types of satellite communication systems. As they are both satellite communication systems with the ability of bi-directional communication, the combination is valid and the rejection stands. The applicant also argues that addition of DBS-RCS taught by Hreha would destroy the low bandwidth system disclosed by Schiff. The DBS-RCS is not a high bandwidth protocol, as it refers to the data transmitted to the satellite from user's homes and not the video distribution centers. Therefore this combination would not destroy Schiff.

Pages 11-12:

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

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the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the addition of Setoyama is to provide the teaching of the common bandwidths needed to transmit video, which is a common communication tool. According to Schiff, it is capable of transmission rates of 60Mbits, which is actually greater than the claimed 54Mbits. The combination is valid and the rejection stands. Also, the 60Mbits disclosed by Schiff is one possible example of the data rate. If the system disclosed by Schiff (column 2, lines 56-63) contained 7 uplink carriers, then the downlink data rate would be 70Mbits. Therefore Schiff discloses a device that would allow for faster data rates.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff in view of Hreha.

Referring to claim 1, Schiff discloses an integrated multispot satellite communication system in a communication network a return channel (column 2, lines 56-59) comprising: common means of burst synchronization (column 7, lines 18-23) such that the transmission rate in a downlink direction from the satellite is a whole multiple of a clock reference of said network (column 4, lines 65-67; figure 5; Note: The I

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Frame shown in figure 5 is interpreted as being the period of the downlink transmission. With this information one can see that 3 sets of information are sent within the downlink period. As the applicant has noted the transfer rate is equal to the amount of data sent divided by the period ( $N_d/T_{df} = R_{td}$ ). Therefore the rate would be equal, in this case, to 3 times the frequency (where frequency is equal to  $1/T_{df}$ ).

Schiff does not disclose a system wherein the communication network is a multimedia broadcasting network.

Hreha discloses a system wherein the communication network is a multimedia broadcasting network (column 1, lines 64-67).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the video transferring taught by Hreha to the system disclosed by Schiff. The motivation would have been that video is a common form of communication that provides more information than text based communication.

Referring to claim 2, Schiff discloses a system according to claim 1, said system comprising a satellite configured to generate said network clock reference (column 5, lines 27-31).

Referring to claim 3, Schiff discloses a system according to claim 2, further comprising a multiplexer (figure 3).

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Referring to claim 4, Schiff discloses a system according to claim 3, characterized in that said multiplexer is suitable for fitting in a synchronous manner different uplink channels into a downlink signal (column 4, lines 19-25), wherein a period of the downlink frame (column 3, lines 55-58; Note: frame and period are viewed as being interchangeable) is equal to a period of the uplink frame (column 3, lines 1-5).

Referring to claim 5, Schiff discloses a method of burst synchronization in an integrated multispot satellite communication system in a communication network with return channel (column 2, lines 56-59) wherein said synchronization (column 7, lines 18-23) is common for a multimedia services provider and a user, in such a manner that the transmission rate in a downlink direction is a whole multiple of a network clock reference (column 4, lines 65-67; figure 5).

Schiff does not disclose a system wherein the communication network is a multimedia broadcasting network.

Hreha discloses a system wherein the communication network is a multimedia broadcasting network (column 1, lines 64-67).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the video transferring taught by Hreha to the system disclosed by Schiff. The motivation would have been that video is a common form of communication that provides more information than text based communication.

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Referring to claim 6, Schiff discloses a method according to claim 5, comprising: generating said network clock reference in a satellite of said system (column 5, lines 27-31).

Claims 7 and 8 are rejected on the same grounds as claim 4.

Referring to claim 9, Schiff does not disclose a system of claim 1, wherein said system is configured to communicate in accordance with digital video broadcasting return channel system.

Hreha discloses a system of claim 1, wherein said system is configured to communicate in accordance with digital video broadcasting return channel system (column 3, lines 34-42).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the DVB-RC standard taught by Hreha in the system disclosed by Schiff. The motivation would have been to use a public signaling standard (column 3, lines 34-42).

Claim 10 is rejected on the same grounds as claim 9.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff in view of Hreha as applied to the claims above, and further in view of Setoyama.

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Referring to claim 11, Schiff and Hreha do not disclose a system of claim 1, wherein said downlink direction transmission rate is one of 54 Mbit/s, 81 Mbit/s and 108 Mbit/s.

Setoyama discloses a system of claim 1, wherein said downlink direction transmission rate is one of 54 Mbit/s (column 1, lines 39-41 and 46-51), 81 Mbit/s and 108 Mbit/s.

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the 54 Mbit/s transmission rate taught by Setoyama in the system disclosed by Schiff and Hreha. The motivation would have been to fit more data into the stream.

Claim 12 is rejected on the same grounds as claim 11.

Referring to claim 13, Schiff and Hreha do not disclose a system of claim 1, wherein a bandwidth of a transmitter onboard said satellite is a multiple of 27 MHz.

Setoyama discloses a system of claim 1, wherein a bandwidth of a transmitter onboard said satellite is a multiple of 27 MHz (column 1, lines 39-41 and 46-51).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the 27 MHz bandwidth taught by Setoyama in the system disclosed by Schiff and Hreha. The motivation would have been to fit more data into the stream.

Claim 14 is rejected on the same grounds as claim 13.



**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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